THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.9727 OF 2004

DATED:25.11.2005

Between:

Thotakura Venkata Varaha Narasimha Raju

…Petitioner

And

The Commissioner, Municipal Corporation of Visakhapatnam

Tenneti Buildings, Visakhapatnam and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.9727 OF 2004

ORDER:

The petitioner is a resident of Sagar Nagar locality in Visakhapatnam. He allegedly purchased 366 Sq.yards in Ambedkar Nagar, for a sale consideration of Rs.38,000/- under registered sale deed. He alleges that on 12.6.2004 the staff of the respondent Corporation came to the land and tried to interfere with the peaceful possession of the land alleging that the land is required for widening the existing 30' road to 40'. Therefore, he filed the present Writ Petition placing reliance on **P.Lakshmana Rao v. Executive Officer** and **M.Madhavi Latha v. Rajendranagar Municipality**.

A counter affidavit is filed by the Commissioner of Visakhapatnam Municipal Corporation. It is stated that as per the master-plan the width of the road in S.No.7/3

is 40'. When the petitioner was found constructing compound wall in the alignment of the proposed 40' master- plan road without obtaining any permission, the staff of the respondent Corporation stopped the construction. The allegation that the staff tried to interfere with the possession is denied.

The petitioner has not filed any reply affidavit denying the allegation that the compound wall was being constructed without obtaining any permission within the alignment of 40' master-plan road. In that view of the matter, this Court does not find any illegality or impropriety in staff of the Corporation in preventing illegal construction. Insofar as interfering with the possession is concerned, learned Standing Counsel for the Visakhapatnam Municipal Corporation does not deny the right of the petitioner to enjoy the property. Therefore, unless and until the petitioner is deprived of the property in accordance with law, his possession cannot be disturbed. If the petitioner desires to make any construction at his plot, he can do so after obtaining necessary building permission under Hyderabad Municipal Corporation Act, 1955.

The Writ Petition with the above observations and directions is accordingly disposed of.

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(V.V.S.RAO, J)

25.11.2005

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